

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CARLI HOLLAND

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CRIMINAL NO. 04-10229-MLW

JOINT STATUS MEMORANDUM OF PARTIES

The United States of America, by Assistant U.S. Attorney James F. Lang, and the defendant Carli Holland, by counsel Walter Underhill, Esq., submit this joint memorandum pursuant to the Court's order.

The parties advise that, pursuant to a written plea agreement that the parties have yet to sign, the defendant will plead guilty to a superseding information charging her with harassment of a witness, in violation of 18 U.S.C. § 1542(d). That charge is a Class A misdemeanor punishable by imprisonment for up to one year (the current indictment charges the defendant with retaliation against a witness, in violation of 18 U.S.C. § 1514, which is a Class C felony punishable by up to twenty years in prison). The government will electronically file the superseding information contemporaneously with the filing of this status memorandum.

The written plea agreement between the parties does not contain a joint sentencing recommendation. It does, however, reserve the defendant's right to argue for a downward departure

pursuant to U.S.S.G. §§ 5H1.6 (family ties and responsibilities), 5K2.20 (aberrant behavior), and 5K2.0(c) (multiple circumstances), and/or a deviation under the factors set forth in 18 U.S.C. § 3553(a). Under the agreement, the government agrees that it will take no position regarding the propriety of a departure based on aberrant behavior, while it will oppose a departure or deviation on the other reserved grounds.

Accordingly, the parties request that the Court schedule a change of plea hearing, and they agree to the exclusion of the time from this date until such date that the Court sets for that purpose.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/James Lang
James Lang
Assistant U.S. Attorney

CARLI HOLLAND
Defendant

By: /s/ Walter Underhill
Walter Underhill, Esq.
Counsel for Carli Holland

DATE: October 2, 2006